

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1908 of 1988

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

PRABHUDAS JAMNADAS RATHOD

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioners
MR SP HASURKAR for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 08/09/2000

ORAL JUDGEMENT

The petitioners, two in number, claim right to appointment to the post of Assistant in the Secretariat by promotion through special competitive examination held

by Gujarat Public Service Commission. The petitioners had appeared at such special competitive examination held in the month of April, 1986. The Government made requisition for 91 posts of Assistants of which 28 posts were reserved for Scheduled Tribe candidates. It is the claim of the petitioners that against the 28 vacancies required to be filled in by appointment of Scheduled Tribe candidates, only 14 had taken special competitive examination and only 14 names could be recommended against the requisition for 28 vacancies. The petitioners claim that since 14 vacancies could not be filled in for want of availability of adequate number of qualified scheduled tribe candidates, the said vacancies should be filled from amongst the other eligible candidates. It is, therefore, prayed that Government should be directed to make requisition for 14 vacant posts of Assistant and the Gujarat Public Service Commission should send the names of 14 persons, pursuant to such requisition.

In answer to the notice, the State Government has contested the petition by filing its counter affidavit. It is contended that 14 unfilled vacancies reserved for scheduled tribe candidates were not de-reserved, and therefore, could not be filled in by requisitioning the names of the other non-reserved category candidates. It is further stated that both the petitioners had made one more attempt at the special competitive examination held by the Gujarat Public Service Commission and have been promoted as Assistant on 4th December, 1989 and 7th December, 1990 respectively.

In above view of the matter, the petitioners having been promoted as Assistant pursuant to the special competitive examination passed by them, learned advocate Mrs. Mehta does not press this petition. Petition is accordingly disposed of as not pressed. Rule is discharged. Parties shall bear their own costs.

Prakash*